

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
V.	)	NO. 2:14-CR-76
	)	
BRIAN C. ROSE, ET AL	)	

ORDER

The defendant Sackett has filed a Motion to reset the trial date and all antecedent hearings and deadlines, doc. 105.

The defendant Rose has filed a Motion to extend the motion deadline, doc. 107. As Rose's motion acknowledges, moving the motion deadline will necessitate the setting of a new trial date.

The hearing on these motions was held on September 23, 2014. Neither the government nor any defendant objected to the relief requested, although counsel for Rose requested that the new trial date be scheduled no later than January 18, 2015. Sackett, on the other hand, insisted upon a trial date no earlier than April, 2015.

Discovery is not merely voluminous, it is gargantuan, and it is not yet complete. The government is doing the best it can in this regard, taking into account the nature of this case. Additionally, Rose's wife recently contacted the United States Attorney and advised that there are numerous computers in her house that contain data and information regarding the companies which were an integral part of the alleged scheme to defraud. The government undoubtedly must obtain those computers and ascertain their contents, which in turn will

generate even more discovery.

Sackett's Motion , doc. 105, is granted. Roses Motion, doc. 107 is also granted, although the court declines to accept either Rose's condition that the trial date be set no later than January 18, 2015, or Sackett's request that it be set no earlier than sometime in April of 2015.

The trial is re-set to January 29, 2015. In light of the huge amount of documents in this case, and the complex nature of the prosecution, it is unreasonable to expect any party to be prepared for a trial on November 18<sup>th</sup>, or to determine what pretrial motions need to be filed by September 24<sup>th</sup>. *See*, 18 U.S.C. § 3161(h)(7)(B)(ii). The ends of justice served by the granting of this continuance outweigh the best interest of any defendant and the public to a speedy trial, 18 U.S.C. § 3161(h)(7)(A). All time between the original trial date of November 18, 2014 and the new trial date of January 29, 2015 is declared to be "excludable time" under the Speedy Trial Act for the reasons discussed.

The motion hearing is reset to December 16, 2014, at 9:00 a.m. This hearing will be *in addition to, and not in lieu of*, the current motion hearing date of October 14, 2014. Any pretrial motions filed by the current motion deadline of September 24<sup>th</sup> will be heard on October 14<sup>th</sup>.

A new motion deadline is set for November 24, 2014, and any new motions filed between September 25<sup>th</sup> and November 24<sup>th</sup> will be heard at the December 16<sup>th</sup> motion hearing.

The new plea bargain deadline is set for January 15, 2015.

SO ORDERED:

s/ Dennis H. Inman  
UNITED STATES MAGISTRATE JUDGE